

Virginia Title V Operating Permit

Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act and 9 VAC 5-80-50 through 9 VAC 5-80-300 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	Cellofoam North America Inc
Facility Name:	Cellofoam North America, Falmouth Facility
Facility Location:	33 Baron Park Road Falmouth, Virginia 22405
Registration Number:	40696
Permit Number:	FSO40696

April 26, 2001

Effective Date

April 26, 2006

Expiration Date

Dennis H. Treacy

Director, Department of Environmental Quality

April 26, 2001

Signature Date

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I. Facility Information

Permittee

Cellofoam North America Inc
P.O. Box 406
Conyers, Georgia 30012

Responsible Official

Gregory R. Bontrager
President

Facility

Cellofoam North America, Falmouth Facility
33 Baron Park Road
Falmouth, Virginia 22405

Contact Person

Gregory R. Bontrager
President
(770) 929-3688

AIRS Identification Number: 51-179-0029

Facility Description: SIC Code 3086 – Manufacture of expanded polystyrene insulation boards.

Cellofoam's Falmouth, Virginia facility manufactures polystyrene insulation boards for the construction industry. Expandable polystyrene (EPS) beads, with pentane as the blowing agent, are received at the facility. The beads are first pre-expanded in a pressurized steam expander, using steam from a natural gas-fired boiler. After pre-expansion, the beads are dried, screened and transported to aging bags for cooling and stabilization for about 24 hours. The stabilized beads are then conveyed to block molding machines in which pressurized steam is injected and the expanded beads fuse together to form large insulation blocks of expanded polystyrene. The molded product is then sent to storage for aging and stabilization for approximately 2 to 7 days, depending upon product specifications. The aged blocks are then cut with hot wire to the desired sizes of the final product. Some of the product material is laminated using an adhesive. The finished product is wrapped and shipped off site.

Pentane (a volatile organic compound) loss through the board manufacturing process constitutes the primary source of emissions from this facility. Additional volatile organic compounds are emitted from the adhesives used in the lamination process.

II. Significant Emission Units

Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity ¹	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled	Applicable Permit Date ²
Process P1 - This emission unit identification includes VOC emissions (i.e., as pentane as blowing agent in the EPS material) from EPS bead box opening, pre-expander/dryer (PE-1), pre-puff bead conditioning & storage (BCS-1), block molding (BM-1), block storage (BS-1), and board cutting (BC-1).							
P1	-	Described as Process P1	981 pounds/hour	None	-	-	10/24/00
Process L1 - This emission unit identification includes VOC and hazardous air pollutant emissions from the use of adhesive to laminate insulation boards.							
L1	-	Described as Process L1	10 gallons/hour	None	-	-	10/24/00

¹The Size/Rated capacity is provided for informational purposes only, and is not an applicable requirement.

²This is the date of the minor new source review permit issued to the facility

III. Process Equipment Requirements – (Emission Unit ID#'s P1 and L1)

A. Limitations

1. The laminator, L1, shall consume no more than 8,300 gallons of adhesive per year, calculated monthly as the sum of each consecutive twelve-month period.
(9 VAC 5-80-110 and Condition 3 of the 10/24/00 minor NSR Permit)
2. The volatile organic compound (VOC) content of the adhesive applied by the laminator, L1, shall be no greater than 0.47 pounds of VOC per gallon of adhesive.
(9 VAC 5-80-110 and Condition 4 of the 10/24/00 minor NSR Permit)
3. The permitted facility shall process (Process P1) no more than 2,890 tons of expandable polystyrene (EPS) beads per year, calculated as the sum of each consecutive twelve month period.
(9 VAC 5-80-110 and Condition 5 of the 10/24/00 minor NSR Permit)
4. The (EPS) beads to be processed by Process P1 shall contain an initial (i.e., as received) VOC content of no more than 5 percent by weight, calculated on a weekly basis. For the purposes of this limitation as well as references throughout this permit, weekly consists of each calendar week of seven successive days beginning at 00:00:00 on Sunday and ending at 23:59:59 on the following Saturday.
(9 VAC 5-80-110, 9 VAC 5-40-300, Condition 6 of the 10/24/00 minor NSR Permit and Paragraph E.2 and E.3 of the RACT Consent Agreement, dated August 10, 1998)
5. Volatile organic compound emissions from the operation of the laminator (L1) shall not exceed 2.0 tons per year, calculated as the sum of each consecutive twelve-month period.
(9 VAC 5-80-110 and Condition 7 of the 10/24/00 minor NSR Permit)
6. Volatile organic compound emissions from the operation of the laminator (L1) and from EPS bead processing (P1) shall not exceed 98.4 tons per year, calculated as the sum of each consecutive twelve-month period.
(9 VAC 5-80-110 and Condition 8 of the 10/24/00 minor NSR Permit)

B. Monitoring and Recordkeeping

The permittee shall monitor and maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the DEQ, Fredericksburg Office. These records shall include, but are not limited to:

- a. The monthly and annual (each consecutive twelve month period) consumption of adhesive used in the lamination process (L1), and the VOC content of each adhesive applied.

- b. The Material Safety Data Sheets (MSDS) or Certified Product Data Sheets (CPDS), for each adhesive used in the lamination process (L1), showing the VOC content. The VOC content as contained on the MSDS or CPDS shall be determined using an EPA approved test method (e.g., 40 CFR Part 60 Appendix A - EPA Method 24).
- c. The monthly and annual (each consecutive twelve month period) VOC emissions from the operation of the laminator (L1).
- d. The monthly and annual (each consecutive twelve-month period) quantity of expandable polystyrene (EPS) beads processed.
- e. The daily quantity of each lot (shipment) of EPS beads processed and the percentage of VOC contained in each lot of EPS beads processed. This is to be accomplished by the permittee maintaining a detailed daily material log which includes daily entries indicating the bead lot numbers processed, the corresponding EPS bead manufacturer's certified initial VOC content of the EPS beads processed and the quantity (in pounds) of each lot of EPS beads processed that day.
- f. The EPS bead supplier's certified "Certificate of Analysis" showing the initial EPS bead VOC content of each lot of EPS beads processed.
- g. The weekly calculated weighted average initial VOC content of the EPS beads and the quantity of the EPS beads processed that week.
- h. The DEQ approved retention factor and the retention factor results of the residual pentane testing required in Condition III.C.1 of this permit.
- i. The monthly and annual (each consecutive twelve month period) VOC emissions from the EPS board manufacturing processes (described as P1). The monthly VOC emissions from the EPS board manufacturing process, P1, shall be calculated from the following:

$$E = \sum_{i=1}^n ((W_i * C_i)/2000) * (1-R)$$

where

E = calculated VOC emissions, tons per month;
W_i = the pounds of an individual lot of beads processed in the month;
C_i = the weight fraction initial VOC content of the beads for an individual lot;
R = the weight fraction of initial VOC content of the beads retained in the finished product, which equals 0.32, until determined by retention testing required in Condition III.C.1 of this permit; and
n = the number of individual lot of beads processed in the month.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-80-110, Condition 9 of 10/24/00 minor NSR Permit and Paragraph E.5 of the RACT Consent Agreement, dated August 10, 1998)

C. Testing

1. Within 60 days of the Effective Date of this permit, the permittee shall conduct retention testing to determine the weight fraction of initial VOC content of the EPS beads retained in the finished product. Testing shall be performed in accordance with South Coast Air Quality Management District (SCAQMD) Test Method 306-91, Analysis of Pentanes in Expandable Styrene Polymers, or other method approved in writing by the DEQ, Fredericksburg Office. A test protocol shall be submitted at least 30 days prior to testing. Two copies of the test results shall be submitted to the DEQ, Fredericksburg Office within 60 days after test completion.
(9 VAC 5-80-110 and 9 VAC 5-50-30)
2. If testing is conducted in addition to the VOC retention testing and other monitoring specified in this permit, the permittee shall use EPA Test Methods (40 CFR Part 60, Appendix A) 18, 24, 24a, 25, 25a, as applicable in accordance with procedures approved by the DEQ.
(9 VAC 5-80-110)

D. Reporting

In addition to the reporting requirements of Condition VI.C.3 of this permit, the permittee shall submit calendar quarterly VOC emission data reports to the DEQ, Fredericksburg Office within 30 days after the end of each calendar quarter. The quarterly reports are to provide the following information:

- a. Dates included in the calendar quarter period,
- b. For each calendar week in the reporting quarter, the weekly calculated weighted average initial VOC content (in percent, %) of the EPS beads and the quantity (in pounds) of the EPS beads processed that week. For the purposes of this reporting requirement, and elsewhere as applicable, a calendar week is in a reporting quarter, if four (4) or more days of the calendar week are in a calendar month of the reporting quarter,
- c. For each calendar month in the reporting quarter, the monthly and rolling twelve month amount (in tons) of EPS beads processed (P1),
- d. For each calendar month in the reporting quarter, the monthly and rolling twelve month amount (in gallons) of adhesive consumed by the laminator (L1), and
- e. For each calendar month in the reporting quarter, the monthly and rolling twelve month calculated VOC emissions (in tons) from the quantity of EPS beads processed (P1) and adhesive consumed (L1).

(9 VAC 5-80-110, Condition 11 of the 10/24/00 minor NSR Permit and Paragraph E.6 of the RACT Consent Agreement, dated August 10, 1998)

IV. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation ¹ (9 VAC _)	Pollutant Emitted (5-80-720 B.)	Rated Capacity (5-80-720 C.)
B1	Natural gas-fired boiler	5-80-720 C.2.a.	-	9.0 MMBtu/hr
S1	Four (4) space heaters	5-80-720 A.4	-	-

¹The citation criteria for insignificant activities are as follows:

9 VAC 5-80-720 A - Listed Insignificant Activity, Not Included in Permit Application

9 VAC 5-80-720 B - Insignificant due to emission levels

9 VAC 5-80-720 C - Insignificant due to size or production rate

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

V. Permit Shield & Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements, which have been specifically identified, as being not applicable to this permitted facility:

Citation	Title of Citation	Description of Inapplicability
No specific requirement has been identified in the permit application as "not applicable" that otherwise might be considered applicable	-	-

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.
 (9 VAC 5-80-140)

VI. General Conditions

A. Federal Enforceability

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.

(9 VAC 5-80-110 N)

B. Permit Expiration

This permit shall become invalid five years from the date of issuance. The permittee shall submit an application for renewal of this permit no earlier than 18 months and no later than six months prior to the date of expiration of this permit. Upon receipt of a complete and timely application for renewal, this source may continue to operate subject to final action by the DEQ on the renewal application.

(9 VAC 5-80-110 D and 9 VAC 5-80-80 F)

C. Recordkeeping and Reporting

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
 - a. The date, place as defined in the permit, and time of sampling or measurements.
 - b. The date(s) analyses were performed.
 - c. The company or entity that performed the analyses.
 - d. The analytical techniques or methods used.
 - e. The results of such analyses.
 - f. The operating conditions existing at the time of sampling or measurement.

(9 VAC 5-80-110 F)

2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

(9 VAC 5-80-110 F)

3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:
 - a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.
 - b. All deviations from permit requirements. For purposes of this permit, deviations include, but are not limited to:
 - (1) Exceedance of emissions limitations or operational restrictions;
 - (2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or compliance assurance monitoring which indicates an exceedance of emission limitations or operational restrictions; or,
 - (3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.
 - c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that "no deviations from permit requirements occurred during this semi-annual reporting period."

(9 VAC 5-80-110 F)

D. Annual Compliance Certification

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than **March 1** each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

1. The time period included in the certification. The time period to be addressed is January 1 to December 31.
2. The identification of each term or condition of the permit that is the basis of the certification.
3. The identification of the methods or other means used by the owner or operator for determining the compliance status with each term and condition during the certification period, and whether such methods or other means provide continuous or intermittent data. Such methods and other means shall include, at a minimum, the methods and means required under this permit. If necessary, the owner or operator

shall also identify any other material information that must be included in the certification to comply with section 113(c) of the federal Clean Air Act, which prohibits knowingly making a false certification or omitting material information.

4. The status of compliance with the terms and conditions of the permit for the period covered by the certification, based on the method or means designated in Condition VI.D.3 of this permit. The certification shall identify each deviation and take it into account in the compliance certification. The certification shall also identify as possible exceptions to compliance any periods during which compliance is required and in which an excursion or exceedance as defined under 40 CFR Part 64 occurred.
5. Such other facts as the permit may require to determine the compliance status of the source.

One copy of the annual compliance certification shall be sent to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP00)
U. S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029.

(9 VAC 5-80-110 K.5)

E. Permit Deviation Reporting

The permittee shall notify the DEQ, Fredericksburg Satellite Office, within four daytime business hours, after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to General Condition VI.C.3 of this permit.

(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

F. Failure/Malfunction Reporting

If, for any reason, the affected facilities or related air pollution control equipment fails or malfunctions and may cause excess emissions for more than one hour, the owner shall notify the DEQ, Fredericksburg Satellite Office, within four (4) daytime business hours of the occurrence. In addition, the owner shall provide a written statement, within 14 days, explaining the problem, corrective action taken, and the estimated duration of the breakdown/shutdown.

(9 VAC 5-20-180 C and Condition 10 of the 10/24/00 minor NSR Permit)

G. Severability

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.
(9 VAC 5-80-110 G.1)

H. Duty to Comply

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.
(9 VAC 5-80-110 G.2)

I. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
(9 VAC 5-80-110 G.3)

J. Permit Action for Cause

1. This permit may be modified, revoked, reopened, and reissued, or terminated for cause as specified in 9 VAC 5-80-110 L, 9 VAC 5-80-240 and 9 VAC 5-80-260. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
(9 VAC 5-80-110 G.4)
2. Such changes that may require a permit modification and/or revisions include, but are not limited to, the following:
 - a. Erection, fabrication, installation, addition, or modification of an emissions unit (which is the source, or part of it, which emits or has the potential to emit any regulated air pollutant), or of a source, where there is, or there is potential of, a resulting emissions increase;
 - b. Reconstruction or replacement of any emissions unit or components thereof such that its capital cost exceeds 50% of the cost of a whole new unit;
 - c. Any change at a source which causes emission of a pollutant not previously emitted, an increase in emissions, production, throughput, hours of operation, or fuel use greater than those allowed by the permit, or by 9 VAC 5-80-11, unless such an increase is authorized by an emissions cap; or any change at a source which causes an increase in emissions resulting from a reduction in control efficiency, unless such an increase is authorized by an emissions cap;

- d. Any reduction of the height of a stack or of a point of emissions, or the addition of any obstruction which hinders the vertical motion of exhaust;
- e. Any change at the source which affects its compliance with conditions in this permit, including conditions relating to monitoring, recordkeeping, and reporting;
- f. Addition of an emissions unit which qualifies as insignificant by emissions rate (9 VAC 5-80-720 B) or by size or production rate (9 VAC 5-80-720 C);
- g. Any change in insignificant activities, as defined by 9 VAC 5-80-90 D.1.a(1) and 9 VAC 5-80-720 B and 9 VAC 5-80-720 C.

(9 VAC 5-80-110 G, 9 VAC 5-80-110 J, 9 VAC 5-80-240, and 9 VAC 5-80-260)

K. Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege.
(9 VAC 5-80-110 G.5)

L. Duty to Submit Information

- 1. The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.
(9 VAC 5-80-110 G.6)
- 2. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.
(9 VAC 5-80-110 K.1)

M. Duty to Pay Permit Fees

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-355. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by **April 15** of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.
(9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

N. Fugitive Dust Emission Standards

During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to

be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
2. Application of asphalt, oil, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or other similar operations;
4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,
5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-40-90 and 9 VAC 5-50-90)

O. Startup, Shutdown, and Malfunction

At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(9 VAC 5-50-20 and Condition 14 of the 10/24/00 minor NSR Permit)

P. Alternative Operating Scenarios

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1.

(9 VAC 5-80-110 J)

Q. Inspection and Entry Requirements

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
4. Sample or monitor at reasonable times, substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2 and Condition 12 of the 10/24/00 minor NSR Permit)

R. Reopening For Cause

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
2. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
3. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

S. Permit Availability

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.
(9 VAC 5-80-150 E)

T. Transfer of Permits

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.
(9 VAC 5-80-160)
2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160 and Condition 16 of the 10/24/00 minor NSR Permit)
3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)

U. Malfunction as an Affirmative Defense

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the conditions of paragraph 2 are met.
2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
 - a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
 - b. The permitted facility was at the time being properly operated.
 - c. During the period of malfunction, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit.
 - d. The permittee notified the board of the malfunction within two working days following the time when the emissions limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification

may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, telegraph, or any other method that allows the permittee to comply with the deadline. The notice fulfills the requirement of 9 VAC 5-80-110 F.2.b to promptly report deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirements under 9 VAC 5-20-180 C.

3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any requirement applicable to the source.

(9 VAC 5-80-250)

V. Permit Revocation or Termination for Cause

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe, any permit for any of the grounds for revocation or termination or for any other violations of these regulations.

(9 VAC 5-80-260 and Condition 15 of the 10/24/00 minor NSR Permit)

W. Duty to Supplement or Correct Application

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.

(9 VAC 5-80-80 E)

X. Stratospheric Ozone Protection

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.

(40 CFR Part 82, Subparts A-F)

Y. Accidental Release Prevention

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.

(40 CFR Part 68)

Z. Changes to Permits for Emissions Trading

No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.
(9 VAC 5-80-110 I)

AA. Emissions Trading

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance.
2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.

(9 VAC 5-80-110 I)